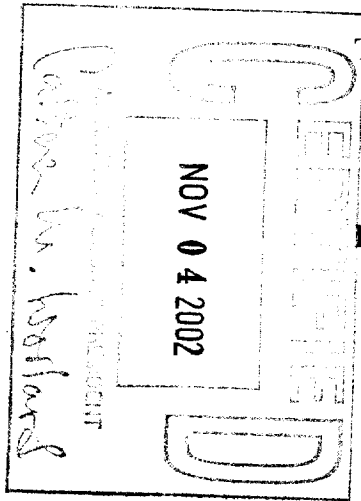


Entered - 01/30/97 - sb  
CL97L0045 - ALEXIS HOLMES

CLAIM OF: YANCY M. LEWIS  
1545 Westview Drive, SW  
Atlanta, Georgia 30310

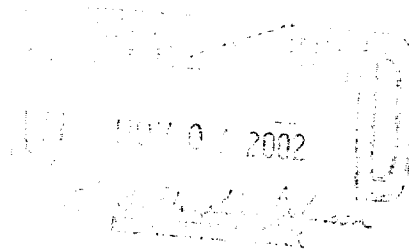
02-*l*-1834

For damages alleged to have been sustained as a result of personal injuries due fall on driveway apron on October 28, 1996 at 818 Oglethorpe Avenue.



THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSED BY  
CITY COUNCIL NOV 04 2002

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: *10/30/02*

CHAIR: *Paul Singh*

*Carla Smith*  
*[Signature]*



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

November 6, 2002

Mr. Yancy M. Lewis  
1545 Westview Drive, SW  
Atlanta, Georgia 30310

02-R-1834

Dear Mr. Lewis:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 97L0045

Date: October 11, 2002

Claimant /Victim YANCY M. LEWIS  
BY: (Atty)(Ins. Co.) \_\_\_\_\_  
Address: 1545 Westview Drive, SW, Atlanta, Georgia 30310  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ 1,410.00  
Date of Notice: 12/23/96 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 10/28/96 Place: 818 Oglethorpe Avenue, Westend Post Office  
Department Public Works Division: Street Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges she was injured when she fell in a hole located in the driveway apron at the above address. The claim has failed to furnish information necessary to substantiate her claim.

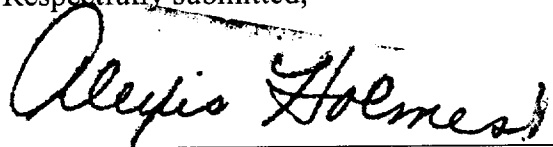
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

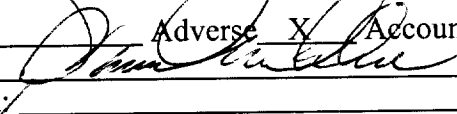
Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned X

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
Claims Manager:  Concur/date 10-16-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>11/08/02 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSE</b>
<b>AGENDA</b>	<b>ON CONSENT AGENDA</b>
1. 02-O-1730	34. 02-R-1827
2. 02-O-1733	35. 02-R-1828
3. 02-O-1734	36. 02-R-1829
4. 02-O-1891	37. 02-R-1830
5. 02-O-1537	38. 02-R-1831
6. 02-O-1550	39. 02-R-1832
7. 02-R-1587	40. 02-R-1833
8. 02-R-1893	41. 02-R-1834
9. 02-R-1857	42. 02-R-1835
10. 02-R-1858	43. 02-R-1836
11. 02-R-1883	44. 02-R-1837
12. 02-R-1901	45. 02-R-1838
13. 02-R-1851	46. 02-R-1839
14. 02-R-1852	47. 02-R-1841
15. 02-R-1729	48. 02-R-1842
16. 02-R-1910	49. 02-R-1843
17. 02-R-1846	50. 02-R-1844
18. 02-R-1862	51. 02-R-1845
19. 02-R-1626	
20. 02-R-1855	
21. 02-R-1876	
22. 02-R-1815	
23. 02-R-1816	
24. 02-R-1817	
25. 02-R-1818	
26. 02-R-1819	
27. 02-R-1820	
28. 02-R-1821	
29. 02-R-1822	
30. 02-R-1823	
31. 02-R-1824	
32. 02-R-1825	
33. 02-R-1826	
Consent I Vote:            13 Yeas; 0 Nays            (See RCS #4209) Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879 (Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)	